

**Amendment Offered by Mr. Shadegg**

**To the Amendment in the Nature of a  
Substitute Offered by Mr. Oxley**

At the end of title II, insert the following new section (and conform the table of contents accordingly):

1 **SEC. 207. PROHIBITED ACTIONS WITH RESPECT TO SOCIAL**  
2 **SECURITY NUMBERS.**

3 (a) DEFINITIONS.—For purposes of this section, the  
4 following definitions shall apply:

5 (1) DISPLAY.—The term “display” means to intentionally communicate or otherwise make available  
6 (on the Internet or in any other manner) to the general public an individual’s social security number.

7 (2) PERSON.—The term “person” means any  
8 individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

9 (3) STATE.—The term “State” means any  
10 State of the United States, the District of Columbia,  
11 Puerto Rico, the Northern Mariana Islands, the  
12 United States Virgin Islands, Guam, American  
13 Samoa, and any territory or possession of the  
14 United States.



1 (b) PROHIBITED ACTIONS WITH RESPECT TO AN IN-  
2 DIVIDUAL'S SOCIAL SECURITY NUMBER.—Subject to sub-  
3 sections (c) and (d), no person may engage in any of the  
4 following:

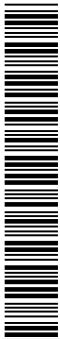
5 (1) Display in any manner an individual's social  
6 security number.

7 (2) Print or otherwise display an individual's  
8 social security number on any card, or other means  
9 of access, required for the individual to access prod-  
10 ucts or services provided by the person to the indi-  
11 vidual.

12 (3) Require an individual to transmit the indi-  
13 vidual's social security number over the Internet, un-  
14 less the connection is secure or the social security  
15 number is encrypted.

16 (4) Require an individual to use the individual's  
17 social security number to access an Internet Web  
18 site, unless a password, unique personal identifica-  
19 tion number, or other authentication device is also  
20 required to access the Internet Web site.

21 (5) Print or otherwise display an individual's  
22 social security number on any communications by  
23 the person to the individual, unless Federal or State  
24 law, or any Federal agency or any contractor with  
25 the Federal Government (under color of Federal



1 law), requires the individual's social security number  
2 to be included on such documents.

3 (c) EXCEPTION FOR CERTAIN COMMUNICATIONS.—  
4 Subsection (b)(5) shall not apply with respect an individ-  
5 ual's social security number included on documents sent  
6 by mail—

7 (1) in connection with an application or enroll-  
8 ment process initiated by the individual; or

9 (2) to establish, amend, or terminate an ac-  
10 count held by the individual with the person; or

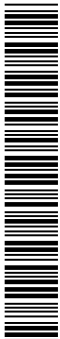
11 (3) to verify the accuracy of the individual's so-  
12 cial security number.

13 (d) EXCEPTION FOR PRIOR ON-GOING USE.—Sub-  
14 section (b) shall not apply to the use by a person of an  
15 individual's social security number in a manner that is in-  
16 consistent with such subsection if—

17 (1) the use by such person of the individual's  
18 social security number in such manner began before  
19 the date of the enactment of this Act;

20 (2) the use by such person of the social security  
21 number in such manner is continuous; and

22 (3) the person notifies the individual, in writ-  
23 ing, before the end of the 30-day period beginning  
24 on the date of the enactment of this Act and annu-  
25 ally thereafter, that the individual has the right to



1       require such person to stop using the individual's so-  
2       cial security number in a manner inconsistent with  
3       subsection (b).

4       (e) INDIVIDUAL'S REQUEST TO STOP INCONSISTENT  
5       USE.—

6               (1) IN GENERAL.—If a person receives a writ-  
7       ten request from an individual to stop using the in-  
8       dividual's social security number in a manner that is  
9       inconsistent with subsection (b), the person shall  
10      fully comply with such request before the end of the  
11      30-day period beginning on the date of the receipt  
12      of the request.

13              (2) DENIAL OF PRODUCTS OR SERVICES PRO-  
14      HIBITED.—A person may not deny any product or  
15      service to an individual, or otherwise discriminate  
16      against such individual in the provision of any such  
17      product or service, solely on the basis that the indi-  
18      vidual submitted a request described in paragraph  
19      (1).

20      (f) COORDINATION WITH OTHER LAW.—

21              (1) IN GENERAL.—No provision of this section  
22      shall be construed as prohibiting or limiting the dis-  
23      play or use of an individual's social security number  
24      by any person—



1 (A) to the extent required or authorized  
2 under any Federal or State law, or by any Fed-  
3 eral agency or any contractor with the Federal  
4 Government (under color of Federal law);

5 (B) for internal verification or administra-  
6 tive purposes of the person;

7 (C) for a public health purpose, including  
8 the protection of the health or safety of an indi-  
9 vidual in an emergency situation;

10 (D) for a national security purpose; or

11 (E) for a law enforcement purpose, includ-  
12 ing the investigation of fraud.

13 (2) STUDY AND REPORT.—

14 (A) IN GENERAL.—The Secretary of  
15 Health and Human Services shall conduct a  
16 study and prepare a report on all of the uses  
17 of social security numbers permitted, required,  
18 authorized, or excepted under any Federal law  
19 and State and local uses of social security num-  
20 bers.

21 (B) REPORT.—Not later than 1 year after  
22 the date of enactment of this Act, the Secretary  
23 of Health and Human Services shall submit a  
24 report to Congress on the study conducted  
25 under this paragraph.



1 (C) CONTENTS OF REPORT.—The report  
2 shall include—

3 (i) a detailed description of the uses  
4 of an individual's social security number  
5 that are allowed as of the date of enact-  
6 ment of this Act;

7 (ii) an evaluation of whether such  
8 uses should be continued or discontinued  
9 by appropriate legislative action; and

10 (iii) such other recommendations for  
11 legislative or administrative action as the  
12 Secretary determines to be appropriate.

13 (g) CIVIL PENALTIES.—

14 (1) IN GENERAL.—Any person who the Attor-  
15 ney General determines has violated this section  
16 shall be subject, in addition to any other penalties  
17 that may be prescribed by law—

18 (A) to a civil penalty of not less than  
19 \$5,000 for each such violation; and

20 (B) to a civil penalty of not less than  
21 \$50,000, if the violations have occurred with  
22 such frequency as to constitute a general busi-  
23 ness practice.

24 (2) DETERMINATION OF VIOLATIONS.—Any  
25 knowing violation committed contemporaneously



1 with respect to the social security numbers of 2 or  
2 more individuals by means of mail, telecommuni-  
3 cation, or otherwise, shall be treated as a separate  
4 violation with respect to each such individual.

5 (3) ENFORCEMENT PROCEDURES.—The provi-  
6 sions of section 1128A of the Social Security Act  
7 (42 U.S.C. 1320a–7a), other than subsections (a),  
8 (b), (f), (h), (i), (j), (m), and (n) and the first sen-  
9 tence of subsection (c) of such section, and the pro-  
10 visions of subsections (d) and (e) of section 205 of  
11 such Act (42 U.S.C. 405) shall apply to a civil pen-  
12 alty action under this subsection in the same man-  
13 ner as such provisions apply to a penalty or pro-  
14 ceeding under section 1128A(a) of such Act (42  
15 U.S.C. 1320a–7a(a)), except that, for purposes of  
16 this paragraph, any reference in section 1128A of  
17 such Act (42 U.S.C. 1320a–7a) to the Secretary  
18 shall be deemed to be a reference to the Attorney  
19 General.

20 (h) EFFECTIVE DATE.—This section shall apply after  
21 the end of the 180-day period beginning on the date of  
22 the enactment of this Act.

